

REMARKS

Claims 15 – 33 are once more finally rejected on new grounds. Claims 32 and 33 are rejected under Section 102 as anticipated by Gundmudsson (PCT/US00/14590) and Shah (U.S. 5,80,959) which was incorporated by reference in Gundmudsson. Claims 15-31 are rejected under Section 103 over Gundmudsson and Shah, but apparently the Examiner intends to rely on the Van Weele reference (U.S. 5,631,825) as well in order to make the rejection. See page 8 of the Final Office Action. Nonetheless, applicants submit that all of the rejections are improper because they lack sufficient basis to meet the terms expressly recited in the independent claims.

Applicants request that the proposed amendment to claim 19 be entered because this does not broaden the scope of the claims or introduce any new issues. Rather, the amendment expressly recites an embodiment contemplated by claim 15 from which it depends.

It is noted that this paper is responsive to the fourth office action in this application and in each prior response the applicants have fully distinguished over the same prior art now applied. Most recently, the Examiner has presented different combinations of the same art to finally reject the claims. However, for reasons now presented, all of the rejections are deficient because the prior art does not disclose every feature of the rejected claims.

REJECTIONS UNDER SECTION 102

With regard to the rejection under Section 102 of independent claim 32, the office action incorrectly reads both applicants' claimed "second navigation area" and applicants' "data area" on some or all of the same simulation steps 1022 in Figure 7 of Shah. This is improper and renders the rejection erroneous.

Neither Gundmudsson nor Shah disclose a first navigation area, a second navigation area and a data area. Applicants' data area is "operable with the user interface to provide selectable options for performing one of the subtasks or work steps." There is simply no basis for citing element 1022 in order to meet the subject matter of the claimed "second navigation area" or the "data area." The element 1022 cannot be equated with the "second navigation area" because it does not at all relate to "work steps associated with designing the installation ..." .

Nor does it appear that the element 1022 could be equated with the claimed data area because it does not enable a user “to perform work steps in part by … selecting a data option associated with the selected work step … in order to design the installation.” By way of example, no “data options” are shown in 1024, 1026 or 1028 of Shah’s figure 7, while applicants’ Figure 3 ( for example) shows a data area 8 with data in the form of a list or table 8a and a button 8b for selecting data.

Rejection on the stated basis is also inconsistent with the Examiner’s own assessment of the prior art. That is, at page 7 of the Final Office Action the Examiner admits that Gundmudsson (even with incorporation of Shah) does not expressly teach a second navigation area in which individual work steps associated with a project are simultaneously displayed in their processing sequence. Clearly, on this basis alone, no rejection can be sustained under Section 102 or under Section 103.

More generally, reliance on each of the references Gundmudsson and Shah is misplaced because neither reference relates to designing an installation. Applicants do not claim a method relating to designing a process or a high performance product incorporating signal processing or feedback control [see Shah at col. 1, lines 11-18 and col. 2, lines 42-44]. Although the prior art alludes to a design cycle, the rejection takes this out of context. None of the prior art relates to design of an installation.

Although the Section 102 rejection cites Gundmudsson, any disclosure in this reference which is relied upon is separate and unrelated to cited passages in the Shah reference. To reject the claim under Section 102, all of the features must be found in the same embodiment. Clearly, the references disclose different embodiments and the mere fact that Gundmudsson incorporates Shah by reference does not give license to pick features from each reference as though they were both part of the same embodiment.

In summary, the rejection of claims 32 and 33 must be withdrawn because the prior art does not disclose every claimed feature. Further, it is improper to rely on a reference under Section 102 or under Section 103 to reject the claims when the reference relates to design of semiconductor products while the invention is expressly directed to the design of an installation.

REJECTIONS UNDER SECTION 103

Claims 15 – 31 are rejected under Section 103 based on Gundmudsson and Shah (page 5 of Office Action) but apparently the Examiner intends to further rely on Van Weele to reject claim 15. However, the combination still fails to meet the following terms:

- (1) the combination of applicants' claimed "second navigation area" and applicants' "data area" because some or all of the same simulation steps 1022 in Figure 7 of Shah are used in the rejection to meet these two separate claim elements.
- (2) the feature of subtasks or work tasks "performed in the data area ... to select a data option ..." is lacking as noted above for claim 32 with respect to the selection of a data option.
- (3) for both the first navigation area and the second navigation area "sub-tasks and work steps associated with designing the project are simultaneously displayed ..."

CONCLUSIONS

Based on the above distinctions, it is not possible to read every feature present in the claims on the prior art. The claims are patentably distinct. There is no permissible combination which meets the claimed subject matter. If the Examiner disagrees, it is incumbent upon the Examiner to more clearly present the rejections so that applicants can fully argue the deficiencies or amend the claims. In the absence of any support to overcome the cited deficiencies, it can only be concluded that the rejections are in error. All of the art rejections must be withdrawn because it is only the applicants who teach the claimed combinations relating to designing a project or an installation. Allowance is therefore requested.

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The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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